IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl.Misc.No.18410-M of 2007

DATE OF DECISION: APRIL 20, 2007

Saraj Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.S.P.S.Sidhu, Advocate,
for the petitioner.
Mr.A.S.Jattana, Addl.A.G., Punjab.

...

Petitioner Saraj Singh has filed this second petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.82 dated 28.6.2005 registered under Sections 307/325/148/149 IPC at Police Station Mamdot, District Ferozepur. His earlier petition was dismissed as not pressed on March 9, 2007, on the statement made by the counsel for the petitioner that the petitioner had jumped the bail.

Counsel for the petitioner contends that initially the petitioner along with one Jugraj Singh filed Crl.Misc.No.76309-M of 2006 for anticipatory bail apprehending their arrest in a non-bailable offence in the aforesaid case. Counsel contends that when both the persons named above were found innocent during the investigation and were kept in column No.2, the aforesaid Crl.Misc.petition was filed in which on December 5, 2006, notice of motion was issued to Advocate General, Punjab. Subsequently, on the statement of the complainant that they were

also present at the time of the alleged occurrence, they were summoned under Section 319 Cr.P.C. In that situation, arrest of both the petitioners was stayed subject to the condition that they shall appear before the trial court within 10 days and shall furnish their regular bail bonds to its satisfaction. Counsel contends that in terms of the said order, initially both the petitioners appeared before the trial court and furnished their regular bail bonds. Subsequently, Jugraj Singh did not appear and his bail bonds were cancelled, but due to incorrect communication, counsel for the petitioners stated before this court on March 9, 2007, that both the petitioners had jumped the bail, therefore, the said petition was dismissed as not pressed.

Now counsel for the petitioner contends that the said statement was made by him on some misunderstanding. Actually, petitioner Saraj Singh has been regularly appearing in terms of the interim order dated December 5, 2006 passed by this court in the aforesaid Crl.Misc.No.76309-M of 2006, whereas only Jugraj Singh had jumped the bail. This fact has not been disputed by the State counsel.

In view of the fact that in terms of the interim order dated December 5, 2006 passed by this Court in Crl.Misc.No.76309-M of 2006, the petitioner had appeared before the trial court and still he is regularly appearing, I deem it appropriate to confirm the said interim order in this petition and the petitioner will deem to be on regular bail as he had already furnished his regular bail bonds and is regularly appearing before the trial court in terms of the aforesaid interim order.

Disposed of accordingly.

April 20, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE